

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEFFREY JOSEPH BRANHAM,

Defendant.

CASE NO. 2:23-cr-00100-LK

ORDER GRANTING IN PART  
UNOPPOSED MOTION TO  
CONTINUE TRIAL DATE AND  
PRETRIAL MOTIONS DEADLINE;  
ORDER TO SHOW CAUSE

This matter comes before the Court on the Defendant Jeffrey Joseph Branham's Unopposed Motion to Continue Trial Date and To Extend Date for Filing Pretrial Motions. Dkt. No. 30. Mr. Branham moves to continue the trial date from March 18, 2024 to November 12, 2024, and to continue the pretrial motions deadline from February 5, 2024 to September 30, 2024. *Id.* at 1.<sup>1</sup> The Government does not oppose Mr. Branham's motion. *Id.*

On June 14, 2023, a federal grand jury indicted Mr. Branham with one count of Distribution of a Controlled Substance in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C); two counts of

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<sup>1</sup> Although pretrial motions were due by February 5, 2024, Dkt. No. 28, Mr. Branham did not file this motion until February 16, 2024, Dkt. No. 30.

1 Possession of a Controlled Substance with Intent to Distribute in violation of 21 U.S.C. § 841(a)(1)  
2 and (b)(1)(C); and one count of Carrying a Firearm During and in Relation to a Drug Trafficking  
3 Crime in violation of 18 U.S.C. § 924(c)(1)(A)(i). Dkt. No. 1 at 1–2. He pleaded not guilty to all  
4 counts and was subsequently ordered detained following a hearing before United States Magistrate  
5 Judge Michelle Peterson. Dkt. Nos. 12, 16. Trial was scheduled for November 20, 2023, Dkt. No.  
6 12, but the Court continued trial to March 18, 2024 based on Mr. Branham’s first motion for a  
7 continuance, Dkt. Nos. 25, 28.

8 Counsel for Mr. Branham represents that “the extension of time is necessary to provide  
9 adequate and effective representation,” and “[t]he parties agree that proceeding with the current  
10 trial and motions dates would result in a miscarriage of justice.” Dkt. No. 30 at 2. The proposed  
11 order also avers that counsel needs additional time to investigate, review and gather evidence,  
12 consider possible defenses, and prepare for trial. Dkt. No. 30-1 at 1–2. Mr. Branham has filed a  
13 speedy trial waiver waiving his right to a speedy trial through December 2, 2024. Dkt. No. 31 at  
14 1.

15 Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by  
16 granting a continuance of trial outweigh the best interest of the public and Mr. Branham in any  
17 speedier trial. Specifically, the Court finds that failure to grant the requested continuance would  
18 likely result in a miscarriage of justice and would deny defense counsel the reasonable time  
19 necessary for effective preparation, taking into account the exercise of due diligence, due to  
20 counsel’s need for more time to investigate, review and gather evidence, consider possible  
21 defenses, and prepare for trial. *See* 18 U.S.C. § 3161(h)(7)(B)(i), (iv). The Court finds that the  
22 additional time requested is a reasonable period of delay and will be necessary to provide counsel  
23 and Mr. Branham reasonable time to accomplish the above tasks.

9 For these reasons, the Court GRANTS IN PART Mr. Branham's motion, Dkt. No. 30,  
10 ORDERS that the trial date for Mr. Branham shall be continued from March 18, 2024 to November  
11 12, 2024, DEFERS ruling on his request to continue the pretrial motions deadline, and ORDERS  
12 him to show cause by March 11, 2024 why his failure to timely file the instant motion should not  
13 constitute a waiver of pretrial objections. It is further ORDERED that, pursuant to 18 U.S.C.  
14 § 3161(h)(7)(A) and (B), the period of delay from the date of this Order to the new trial date is  
15 EXCLUDED when computing the time within which Mr. Branham's trial must commence under  
16 the Speedy Trial Act.

18 Dated this 26th day of February, 2024.

Lauren King  
United States District Judge